

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Own Motion to Establish an  
Appropriate Error Rate for Connections Made by  
an Automatic Dialing Device Pursuant to Section  
2875.5 of the Public Utilities Code.

Rulemaking 02-02-020  
(Filed February 21, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON NOTICE OF INTENT TO CLAIM COMPENSATION**

This ruling addresses the Notice of Intent to Claim Compensation (NOI) of the Utility Consumers' Action Network (UCAN).

**Timeliness of Filing**

Pub. Util. Code § 1804(a)(1) provides that an NOI must be filed within 30 days after the prehearing conference. No such conference was scheduled in this proceeding. UCAN states that in the absence of other direction by the Commission, it is reasonable to allow intervenors to file NOIs within 30 days of the mailing date of the Order Instituting Rulemaking (OIR). It states that no party or intervenor will be prejudiced by such a procedure. This ruling agrees that the procedure proposed by UCAN is reasonable.

The Commission mailed the OIR on February 27, 2002. UCAN filed its NOI on March 25, 2002. In accordance with § 1804(a)(1), UCAN's NOI is timely filed.

### **Qualification as a Customer**

UCAN is a nonprofit consumer advocacy organization and has a long history of representing the interests of residential and small commercial customers of California utility companies before the Commission. UCAN's articles of incorporation specifically authorize its representation of the interests of residential customers.

Pursuant to D.98-04-059, UCAN has demonstrated that it meets the statutory definition of customer (§ 1802(b)) as a group authorized pursuant to its articles of organization and bylaws to represent the interests of residential customers of California utilities.

### **Representation of Underrepresented Interests**

UCAN notes that it is likely to be one of two intervenors representing solely the interests of residential and small commercial customers in this proceeding. UCAN commits to tailor its participation to ensure that its work serves to support and complement the work of other parties that share its positions, and to avoid any undue duplication wherever practicable.

### **Nature and Extent of Participation**

To date, UCAN has focused on drafting comments that deal with policy issues regarding consumer harm caused by the use of automatic predictive dialer machines and resulting abandoned calls. The comments also (1) discussed issues involved in setting and calculating an error rate, (2) urged adoption of record-keeping requirements to aid in enforcement of the rules regarding abandoned calls, and (3) called for a targeted consumer education plan on these issues.

### **Estimate of Compensation**

Pursuant to § 1804(a)(2)(A)(ii), UCAN submitted a breakdown of the total estimated compensation of \$9,000 that it expects to request. This ruling makes

no affirmative findings regarding the reasonableness of the total or any component of the estimate.

**Significant Financial Hardship**

UCAN has sought a finding of significant financial hardship in an NOI filed in Case 02-01-007 on March 13, 2002. If UCAN is found to qualify in that proceeding, that would establish a rebuttable presumption of eligibility in this proceeding under § 1804(b)(1). In the absence of such a showing at this time, this ruling defers a finding of significant financial hardship and directs UCAN to make that showing at the time that it files for an award of compensation.

**IT IS RULED** that the Utility Consumers' Action Network (UCAN) is eligible to file for an award of intervenor compensation at the conclusion of this proceeding.

Dated May 6, 2002, at San Francisco, California.

/s/ GLEN WALKER

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Glen Walker

Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated May 6, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.